

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

APOTEX, INC.,

*Plaintiff,*

v.

CEPHALON, INC., et al.

Civil Action No. 2:06-cv-2768-MSG

*Defendants.*

**APOTEX INC.'S MOTION FOR LEAVE TO SUBMIT SUPPLEMENTAL AUTHORITY**

In the patent case between Apotex and Cephalon, the issue of inequitable conduct is currently before the Court. On May 25, 2011, the Federal Circuit issued the en banc opinion *Therasense, Inc. v. Becton Dickinson & Company*, 2008-1511, -1512, -1513, -1514, -1595 (Fed. Cir. May 25, 2011) addressing the standard(s) to be applied in determining inequitable conduct. Apotex respectfully requests leave to file a Notice of Supplemental Authority, attached as Exhibit A, advising the Court of this decision.

Date: May 26, 2011

/s/ Brian J. Sodikoff

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**CERTIFICATE OF SERVICE**

I certify that on May 26, 2011, a copy of APOTEX INC.'S MOTION FOR LEAVE TO SUBMIT SUPPLEMENTAL AUTHORITY was served on the persons identified below via e-mail:

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<i>Discovery Counsel for Federal Trade Commission</i>	
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Notice of the filing of this Certificate of Service will be sent to all counsel of record via the CM/ECF system.

Respectfully submitted,

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